

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Pherebie O. Wall and Robert E. Wall,	)	
	)	
Plaintiffs,	)	C.A. No.: 4:04-754-RBH
	)	
vs.	)	
	)	<b>ORDER</b>
	)	
States of South Carolina, County of	)	
Florence, In the Interest and Estate of	)	
Shirley Vause, Magistrate, in her official	)	
and individual capacity, Tommy Spells,	)	
Constable, in his official and individual	)	
capacity, Alvin Powell, Deputy of the	)	
Florence County Sheriff's Department, in	)	
his official and individual capacity,	)	
	)	
Defendants.	)	
	)	

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This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

The defendants filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Rogers' Report and Recommendation and incorporates it herein. It is therefore

**ORDERED** that defendants' motion to dismiss is **DENIED**.

**IT IS SO ORDERED.**

s/ R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge

September 26, 2005  
Florence, South Carolina